

Virginia Board of Pharmacy**New Law Effective July 1, 2010
Proof of Identity when Dispensing Schedule II Drugs**

Section 54.1-3420.1 of the Drug Control Act (see below) has always authorized a pharmacist to request proof of identity prior to dispensing or refilling prescriptions written for drugs in Schedules II through V. Effective July 1, 2010, a new subsection B mandates that a pharmacist obtain proof of identity and record such information anytime the pharmacist does not know the patient or the person picking up or "seeking to take delivery" of the Schedule II dispensed drug prescribed for the patient. "Proof of identity" (hereafter referred to as "ID") is defined to mean a driver's license, government-issued identification card, or other photo identification along with documentation of the person's current address. Additionally, there is now a requirement to record the person's name and address whenever someone other than the patient for whom the drug was prescribed is picking up or seeking to take delivery of the Schedule II dispensed prescription.

- If the person picking up or "seeking to take delivery" of any Schedule II dispensed prescription is the patient for whom the prescription is written, and the pharmacist knows that person, no ID or documentation is required.
- If the person picking up the Schedule II dispensed prescription is the patient for whom the prescription is written, and the pharmacist does not know that person, then he must require ID and make a record documenting proof of ID.
- If anyone other than the patient for whom the prescription is written takes delivery of the drug, and the pharmacist knows the person, he must record the person's full name and address, but no ID is required.
- If anyone other than the patient for whom the prescription is written takes delivery of the drug, and the pharmacist does not know the person, he must require ID, make record documenting proof of ID and ensure that the person's full name and address have been recorded.

When ID is required, the pharmacist shall make a photocopy or electronic copy of the identification, or an electronic record documenting that proof of identity was provided. If the pharmacist chooses to use an electronic record and does not make an electronic copy of the ID, there is a reasonable expectation that information will be recorded on the electronic record to document that the ID was provided, such as the driver's license number or other information only available on the ID. There is some confusion, however, because one sentence in the law provides this option to maintain an electronic record, yet the next sentence requires the maintenance the record of names and addresses and "copies" of the ID for one year. The Board interpreted at the June 2, 2010 full Board meeting that a pharmacist who chooses to make an electronic record documenting that ID was provided, in lieu of a copy of the ID, will meet recordkeeping requirements if that electronic record is maintained for one year. Either type of record that is made must be maintained for at least one year.

Also new subsection C states that when a pharmacy delivers a Schedule II drug by mail, common carrier, or delivery service to a Virginia address the method of delivery employed shall require the signature of the recipient as confirmation of receipt.

§ 54.1-3420.1. Identification required for filling prescriptions.

A. Before dispensing any drug listed on Schedules III through V, a pharmacist may require proof of identity from any patient presenting a prescription or requesting a refill of a prescription.

B. A pharmacist shall require proof of identity from any person seeking to take delivery of any drug listed on Schedule II pursuant to a valid prescription before dispensing such drug, unless such person is known to the pharmacist. If the person seeking to take delivery of a drug listed on Schedule II pursuant to a valid prescription is not the patient for whom the drug is prescribed, the pharmacist shall record the full name and address of such person, regardless of whether the person seeking to take delivery of the drug is known to the pharmacist. When proof of identity is required from a person seeking to take delivery of a drug pursuant to this subsection, the pharmacist shall make a photocopy or electronic copy of his proof of identity, or an electronic record documenting that proof of identity was provided. The pharmacist shall keep records of the names and addresses and copies of proof of identity of persons taking delivery of drugs as required by this subsection for a period of at least one year. For the purposes of this subsection, "proof of identity" means a driver's license, government-issued identification card, or other photo identification along with documentation of the person's current address.

C. Whenever any pharmacist permitted to operate in the Commonwealth or nonresident pharmacist registered to conduct business in the Commonwealth delivers a prescription drug order for any drug listed on Schedule II by mail, common carrier, or delivery service to a Virginia address, the method of delivery employed shall require the signature of the recipient as confirmation of receipt.